

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

JOE ANDREW SALAZAR,

Plaintiff,

v.

AT&T MOBILITY LLC,  
SPRINT/UNITED MANAGEMENT  
COMPANY, T-MOBILE USA, INC.,  
AND CELLCO PARTNERSHIP D/B/A  
VERIZON WIRELESS,

Defendants

and

HTC CORP., and HTC AMERICA, INC.,

Intervenors.

Civil Action No. 2:20-cv-4

DEMAND FOR JURY TRIAL

**UNOPPOSED MOTION TO RESET *MARKMAN* HEARING FOR  
VIDEO CONFERENCE**

For his Unopposed Motion to Reset *Markman* Hearing for Video Conference Plaintiff Joe Andrew Salazar (“Salazar”) respectfully states:

The Court’s *Markman* hearing is presently set for 9:00am July 24, 2020. Two of Salazar’s attorneys will be required to travel from New York to attend the hearing. Though their primary office address is in Washington DC, both Dariush Keyhani and Frances Stephenson reside and are currently located in upstate New York. Mr. Keyhani is Salazar’s lead counsel and will argue at the *Markman* hearing. Ms. Stephenson was heavily involved in the *Markman* briefing and will

assist Mr. Keyhani at the hearing. Upon their return to New York from Texas they will be subject to mandatory quarantining obligations.

The quarantining obligations arise from Governor Cuomo's Executive Order 205, requiring the New York State Commissioner of Health Dr. Howard Zucker to issue a travel advisory requiring all travelers coming from states with significant rates of transmission of COVID-19 to quarantine for a 14-day period from the time of their last contact within such designated state(s). Texas is included in the list of designated (or restricted) states.<sup>1</sup> The requirements include:

- The individual must not be in public or otherwise leave the quarters that they have identified as suitable for their quarantine.
- The individual must be situated in separate quarters with a separate bathroom facility for each individual or family group. Access to a sink with soap, water, and paper towels is necessary. Cleaning supplies (e.g. household cleaning wipes, bleach) must be provided in any shared bathroom.
- The individual must have a way to self-quarantine from household members as soon as fever or other symptoms develop, in a separate room(s) with a separate door. Given that an exposed person might become ill while sleeping, the exposed person must sleep in a separate bedroom from household members.
- Food must be delivered to the person's quarters.
- Quarters must have a supply of face masks for individuals to put on if they become symptomatic.
- Garbage must be bagged and left outside for routine pick up. Special handling is not required.
- A system for temperature and symptom monitoring must be implemented to provide assessment in-place for the quarantined persons in their separate quarters.

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<sup>1</sup> [https://coronavirus.health.ny.gov/covid-19-travel-advisory?gclid=CjwKCAjwr7X4BRA4EiwAUXjbt2whkNR4eH\\_iLzMGHCRTBBcOo2v5G2Bak1GScoJJJPQAE3vDUoYM6BoCbQcQAvD\\_BwE](https://coronavirus.health.ny.gov/covid-19-travel-advisory?gclid=CjwKCAjwr7X4BRA4EiwAUXjbt2whkNR4eH_iLzMGHCRTBBcOo2v5G2Bak1GScoJJJPQAE3vDUoYM6BoCbQcQAvD_BwE), last visited July 14, 2020.

- Nearby medical facilities must be notified, if the individual begins to experience more than mild symptoms and may require medical assistance.
- The quarters must be secure against unauthorized access.<sup>2</sup>

So that his counsel may avoid these mandatory quarantining obligations and so that all parties, counsel and Court personnel may limit the risks associated with travel and exposure to travelers during the pandemic, Salazar respectfully requests that the Court reset the *Markman* hearing for video conference. Given the Court's familiarity with the terms at issue and prior claim construction rulings, Salazar suggests that that this hearing is suitable for video conference.

Defendants and Intervenor are not opposed to conducting the *Markman* hearing by video conference.

Respectfully submitted,

/s/Geoff Culbertson  
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<sup>2</sup> *Id*; see also [https://coronavirus.health.ny.gov/system/files/documents/2020/06/interimguidance\\_traveladvisor\\_y.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/06/interimguidance_traveladvisor_y.pdf), last visited July 14, 2020.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with the Federal Rules of Civil Procedure. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. Mail, CMRRR on this 15<sup>th</sup> day of July, 2020.

/s/Geoff Culbertson  
Geoffrey Culbertson